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10/563,457	01/03/2006	William S. Oakley	NSS1P002.US01	8043
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TIPS GROUP				
c/o Intellevate LLC				
P. O. BOX 52050				
Minneapolis, MN 55402				
EXAMINER				
FISCHER, MARK L				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
11/02/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/563,457

Examiner

Mark L. Fischer

Applicant(s)

OAKLEY, WILLIAM S.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 07 October 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Mark L. Fischer/  
Examiner, Art Unit 2627

/HOA T NGUYEN/  
Supervisory Patent Examiner, Art Unit 2627

Continuation of 4(e) Other: The amendments to the claims filed on 10/18/2010 are non-compliant with 37 CFR § 1.121(c)(2) because there are instances where the amendments fail to indicate changes that have been made relative to the immediate prior version of the claims (i.e. the amendment to the claims filed on 10/6/2009).

These instances are at least as follows (note: line numbers refer to the lines in the 10/18/2010 claims):

- Claim 6, line 11: the semicolon ";" (which appeared in the immediate prior version of the claims) following the word "back" appears to have been deleted, but there are no markings to indicate such a change.
- Claim 6, lines 25-26: the limitation of "a gating electrode mounted on the housing, a focus electrode mounted on the housing," (which appeared in the immediate prior version of the claims) is missing, but no markings indicate that a change has been made. Therefore, it is unclear as to whether or not the limitation was meant to be deleted.
- Claim 6, line 31: the limitation of ", the detection electrode to detect electrons reflected from a recording medium" (which appeared in the immediate prior version of the claims) is missing, but no markings indicate that a change has been made. Therefore, it is unclear as to whether or not the limitation was meant to be deleted.